



State of Idaho

DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 22, 1995

Jay Hulet  
HC 79 Box 2020  
Murphy, ID 83650

RE: Water Delivery on Sinker Creek, Water District 57-D

Dear Mr. Hulet:

This letter is prepared in response to your letters in this matter dated May 1, 1995 and May 15, 1995. I will also use this letter as an opportunity to expand on our discussions relative to your letter dated January 5, 1995.

In your letter dated May 1, 1995, you requested a detailed accounting of the 1995 releases past Hulet Reservoir for the purpose of filling Nahas Lake. Enclosed please find the accounting, which has been prepared by Cindy Hodges based on information gathered by both she and the Watermaster Mary Blackstock during the period of fill. Note that we compute the loss past the Nahas Lake diversion to have been 11.5 acre-feet. This is about 3% of the 388.1 acre-feet that was sent downstream to fill Nahas Lake, which is considered to be a reasonable operational loss.

In the same letter you expressed a concern that the Watermaster had said that the filling of Nahas Lake was not her responsibility. Because this was only the second year for flows to be conveyed past Hulet Reservoir to fill Nahas Lake, the Department retained control of the operation. Now that we have two years of operational experience in this process, I would anticipate that in the future the Watermaster will become more involved with this accounting, should the need arise to again bypass flows.

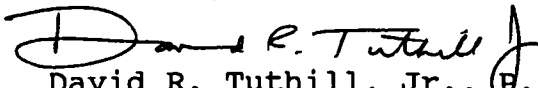
\* { In your letter dated May 15, 1995, you have advised the Department and the Watermaster that all water deliveries to Murphy Canal Co. are to be ordered by yourself. To the extent that shareholders within the company desire to order their water through you, this is acceptable to us. However, the listing of water rights from Sinker Creek shows that the Murphy Mutual Canal Co. water rights and the Nettleton water rights can be diverted into the Murphy Mutual canal. Thus, the Watermaster is authorized to deliver water into the canal based on requests from either Murphy Mutual via you, or Paul Nettleton, subject to limitations of water availability given the priorities of the water rights. However, we do ask that the Watermaster advise you each time a change of flow diverted into the canal is made.

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Relative to diversions from the canal, the Department will not appoint a Lateral Manager this year because you have been appointed as the Lateral Manager by the Murphy Mutual Canal Co. Accordingly, the Watermaster will deliver the water at the head of the canal and will leave it up to you and the water users to work out the distribution system. Any difficulties in this regard should be referred to the court.

We have been advised that the measuring device at the head of the canal is leaking profusely and is inadequate. Also, some of the Joyce Livestock Company diversion works and measuring devices from Sinker Creek are inadequate. This office is in the process of preparing an order requiring upgrading of these installations. In addition, we have received a request from Paul Nettleton to revisit the issue of placement of the measuring device for inflows to Hulet Reservoir. I am requesting Cindy Hodges of this office to investigate this issue this during the 1995 irrigation season by measuring the inflows to the reservoir at various locations and at various times of the year. The data collected in this manner will enable us to make a decision on weir placement in future years.

Please feel free to contact me regarding any aspect of this letter.

Sincerely,

  
David R. Tuthill, Jr., P.E.  
Manager, Western Regional Office

Enclosure

cc: Mary Blackstock, Watermaster  
Paul Nettleton  
Sheriff Nettleton  
Owyhee County Prosecuting Attorney's Office  
Cindy Hodges, Norm Young, IDWR